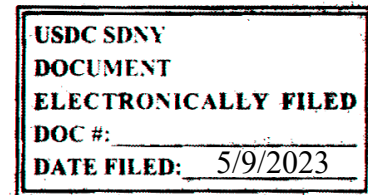


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MD-01570 (GBD)(SN)

ORDER

SARAH NETBURN, United States Magistrate Judge:

The Plaintiffs' Executive Committees ("Plaintiffs") and Defendant Al Rajhi Bank ("ARB") have engaged in extensive motion practice regarding their discovery obligations. Several motions remain outstanding and the parties' discovery deadline is approaching. ECF No. 8812 (setting discovery deadline for May 18, 2023); see, e.g., ECF Nos. 8897, 8902, 9002, 9037, 9038, 9039 (the parties' motions).¹ The Court therefore extends the discovery deadline to June 16, 2023, so it can issue orders directing the parties as to how they should proceed. Although the discovery period is extended, the Court will not entertain further motion practice on discovery issues absent unforeseen, extraordinary circumstances.

The parties have filed joint letters on two issues that the Court will address now. First, the Court considers the parties' letter regarding expert discovery. See ECF No. 8979. In it, ARB asks the Court to preclude or limit expert discovery as to ARB because the claims against it are in the jurisdictional phase; the jurisdictional inquiry focuses largely on ARB's intent; experts cannot testify to subjective intent; and the factual matters that would be relevant to intent do not require expert analysis. Id. at 2–4. While ARB is correct that experts cannot testify to a party's

¹ Unless otherwise noted, all ECF numbers refer to the main MDL docket, No. 03-md-01570.

subjective intent, there may be factual matters bearing on ARB's intent that would benefit from an expert's interpretation. The Court therefore authorizes expert discovery as to ARB just as it has done with other jurisdictional defendants in this multidistrict litigation. Discovery will proceed according to the parties' proposed schedule:

- The Plaintiffs must identify their experts and provide a summary of the topics they will address by May 25, 2023;
- The Plaintiffs must serve their expert disclosures and affirmative reports by July 13, 2023;
- ARB must serve its expert disclosures and rebuttal reports by September 8, 2023; and
- Expert discovery must be completed by October 6, 2023.

See id. at 1. The parties will be permitted to challenge the admissibility of opposing experts' testimony at the appropriate juncture.

Second, the Court endorses the parties' proposal relating to: (1) Plaintiffs' vehicle for setting forth facts and evidence in support of its jurisdictional arguments, and (2) certain ARB discovery requests. See ECF No. 9017. Accordingly, 30 days after the close of jurisdictional discovery as to ARB (and before ARB's motion challenging the Court's personal jurisdiction), the Plaintiffs will submit a statement of the facts and evidence on which they will rely in meeting their burden to establish personal jurisdiction over ARB. That statement shall be consistent with the form contemplated by Local Civil Rule 56.1 and shall be accompanied by all supporting documents and deposition excerpts on which the Plaintiffs will rely to meet their burden. This does not alter the burdens and standards of review applicable to ARB's motion.

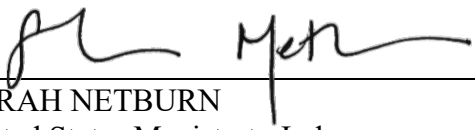
As agreed, ARB's First Set of Requests for Admission to Plaintiffs served on March 17, 2023, and First Set of Interrogatories to Plaintiffs served on March 17, 2023, are deemed withdrawn. See id. The portion of ARB's March 2, 2023 motion to compel requesting that the

Court order Plaintiffs to provide a statement of jurisdictional facts and evidence is moot. See ECF No. 8897.

CONCLUSION

The Court extends discovery related to ARB until June 16, 2023, so it can rule on the parties' motions to compel and motions to quash. Additionally, the Court adopts the parties' schedule for expert discovery and the agreement that Plaintiffs will provide a statement of jurisdictional facts and evidence, as explained above.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: May 9, 2023
New York, New York